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|--|------------------------|--|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence during pendency of filed application)</i> | 0001/PTO<br>Rev. 10/95 | U.S. Department of Commerce<br>Patent and Trademark Office | Application Number     | 10/731,068        |
|  |                        |  | Filing Date            | December 8, 2003  |
|  |                        |  | First Named Inventor   | Thomas J. Maginot |
|  |                        |  | Group Art Unit Number  | 3738              |
|  |                        |  | Examiner Name          | Not Yet Known     |
| Total Number of Pages in This Submission   |                        | 57   | Attorney Docket Number | 22220-08641       |

| ENCLOSURES (check all that apply)   |   |
|---|---|
| <input type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input type="checkbox"/> Check Enclosed<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input type="checkbox"/> Response to Notice to File Missing Parts<br><input type="checkbox"/> Assignment & Recordation Cover Sheet<br><input type="checkbox"/> Declaration<br><input type="checkbox"/> Power of Attorney<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A<br><input type="checkbox"/> Copies of IDS Cited References<br><input checked="" type="checkbox"/> Request for Corrected Filing Receipt<br><input type="checkbox"/> Request for Correction of Recorded Assignment<br><input type="checkbox"/> Amendment/Response: [ ] Page(s)<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Status Request<br><input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> Issue Fee Transmittal<br><input type="checkbox"/> Letter to Chief Draftsperson<br><input type="checkbox"/> Formal Drawing(s):<br>[ ] Sheet(s) of Figure(s) [ ]<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> After Allowance Communication to Group<br><input checked="" type="checkbox"/> Copy of Filing Receipt<br><input checked="" type="checkbox"/> Copy of check no. 3745110<br><input checked="" type="checkbox"/> Copy of fee transmittal<br><input checked="" type="checkbox"/> Copy of claims<br><input type="checkbox"/><br><input type="checkbox"/> |
| REMARKS:  |   |

| SIGNATURE OF ATTORNEY OR AGENT |                                  |        |         |
|--------------------------------|----------------------------------|--------|---------|
| Signature:                     |                                  |        |         |
| Attorney/Reg. No.:             | Albert C. Smith, Reg. No. 20,355 | Dated: | 3/26/04 |

| CERTIFICATE OF MAILING  |                 |        |         |
|---|-----------------|--------|---------|
| I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10. |                 |        |         |
| Signature:  |                 |        |         |
| Typed or Printed Name:  | Albert C. Smith | Dated: | 3/26/04 |
| Express Mail Mailing Number (optional):   |                 |        |         |



PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT(S): Thomas J. Maginot  
APPLICATION NO.: 10/731,068  
FILING DATE: December 8, 2003  
TITLE: Bypass Grafting Method  
EXAMINER: Not Yet Known  
GROUP ART UNIT: 3738  
ATTY. DKT. NO.: 22220-08641

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Office of Initial Patent Examination, Customer Service Center, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 3/26/04 By: A.C. Smith  
Albert C. Smith, Reg. No.: 20,355

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CUSTOMER SERVICE CENTER  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

SIR:

Enclosed is a copy of the Official Filing Receipt. It contains the following errors:

1. The number of independent claims is erroneously stated as 25. The correct number of independent claims is 28, as evidenced by the claims and the fee transmittal, copies of which are enclosed.

03/30/2004 JBALIHAN 00000100 10731068

01 FC:1201

258.00 DP

2. The filing fee amount is erroneously stated as \$7,036. The correct filing fee amount is \$7,294 as evidenced by a copy of the fee transmittal and our check number 3745110 in the sum of \$7,294, copies of which are enclosed.

Please issue a corrected Filing Receipt rectifying this error.

Respectfully submitted,  
THOMAS J. MAGINOT

Dated: 3/26/04

By: A.C. Smith

Albert C. Smith, Reg. No.: 20,355

Fenwick & West LLP

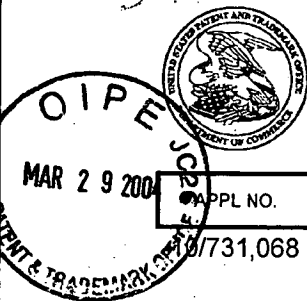
Silicon Valley Center

801 California Street

Mountain View, CA 94041

Tel.: (650) 335-7296

Fax.: (650) 938-5200



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPL NO.  | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D  | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|-----------|---------------------------|----------|----------------|-----------------|----------|----------|----------|
| 07/31,068 | 12/08/2003                | 3738     | 7036<br>7294 ✓ | 22220-08641     | 36       | 263      | 25 28 ✓  |

00758  
FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

Fenwick & West

MAR 15 2004

Received

CONFIRMATION NO. 6619

## FILING RECEIPT



\*OC000000012087544\*

Date Mailed: 03/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Thomas J. Maginot, Crown Point, IN;

## Domestic Priority data as claimed by applicant

This application is a CON of 09/903,831 07/11/2001 ✓  
which is a CON of 09/111,062 07/07/1998 ABN ✓  
which is a CON of 09/090,598 06/04/1998 PAT 5,934,286 ✓  
which is a CON of 09/073,336 05/05/1998 PAT 5,979,455 ✓  
which is a CON of 08/702,742 08/23/1996 PAT 5,749,375 ✓  
which is a CON of 08/391,960 02/21/1995 PAT 5,571,167 ✓  
which is a CON of 08/138,912 10/18/1993 PAT 5,456,712 ✓  
which is a DIV of 08/056,371 05/03/1993 PAT 5,304,220 ✓  
which is a CIP of 07/725,597 07/03/1991 PAT 5,211,683 ✓

## Foreign Applications

If Required, Foreign Filing License Granted: 03/10/2004

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**Title**

Bypass grafting method

**Preliminary Class**

606

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

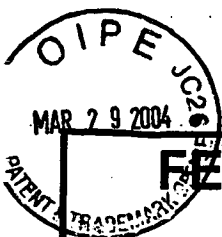
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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# COPY

## FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)**7,294**

### Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | Not Yet Known     |
| Filing Date          | December 8, 2003  |
| First Named Inventor | Thomas J. Maginot |
| Examiner Name        | Not Yet Known     |
| Art Unit             | Not Yet Known     |
| Attorney Docket No.  | 22220-06167       |

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account:

Deposit Account Number

19-2555

Deposit Account Name

Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 770      | 2001     | 385      | Utility filing fee     | 770      |
| 1002     | 340      | 2002     | 170      | Design filing fee      |          |
| 1003     | 530      | 2003     | 265      | Plant filing fee       |          |
| 1004     | 770      | 2004     | 385      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

**SUBTOTAL (1)** (\$)**770**

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid        |
|--------------------|--------------|----------------|-----------------|
| 263                | -20**=       | 243            | x 18 = 4,374    |
| Independent Claims | 28           | -3**=          | 25 x 86 = 2,150 |
| Multiple Dependent |              |                |                 |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description   |
|----------|----------|----------|----------|---|
| 1202     | 18       | 2202     | 9        | Claims in excess of 20                                    |
| 1201     | 86       | 2201     | 43       | Independent claims in excess of 3                         |
| 1203     | 290      | 2203     | 145      | Multiple dependent claim, if not paid                     |
| 1204     | 86       | 2204     | 43       | **Reissue independent claims over original patent         |
| 1205     | 18       | 2205     | 9        | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$)**6,524**

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
|----------|----------|----------|----------|
| 1051     | 130      | 2051     | 65       |
| 1052     | 50       | 2052     | 25       |
| 1053     | 130      | 1053     | 130      |
| 1812     | 2,520    | 1812     | 2,520    |
| 1804     | 920*     | 1804     | 920*     |
| 1805     | 1,840*   | 1805     | 1,840*   |

Fee Description

Fee Paid

|      |       |      |       |  |
|------|-------|------|-------|--|
| 1251 | 110   | 2251 | 55    | Extension for reply within first month                                     |
| 1252 | 420   | 2252 | 210   | Extension for reply within second month                                    |
| 1253 | 950   | 2253 | 475   | Extension for reply within third month                                     |
| 1254 | 1,480 | 2254 | 740   | Extension for reply within fourth month                                    |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month                                     |
| 1401 | 330   | 2401 | 165   | Notice of Appeal   |
| 1402 | 330   | 2402 | 165   | Filing a brief in support of an appeal                                     |
| 1403 | 290   | 2403 | 145   | Request for oral hearing   |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding                              |
| 1452 | 110   | 2452 | 55    | Petition to revive - unavoidable   |
| 1453 | 1,330 | 2453 | 665   | Petition to revive - unintentional   |
| 1501 | 1,330 | 2501 | 665   | Utility issue fee (or reissue)   |
| 1502 | 480   | 2502 | 240   | Design issue fee   |
| 1503 | 640   | 2503 | 320   | Plant issue fee  |
| 1460 | 130   | 1460 | 130   | Petitions to the Commissioner  |
| 1807 | 50    | 1807 | 50    | Processing fee under 37 CFR 1.17(g)  |
| 1806 | 180   | 1806 | 180   | Submission of Information Disclosure Stmt                                  |
| 8021 | 40    | 8021 | 40    | Recording each patent assignment per property (times number of properties) |
| 1809 | 770   | 2809 | 385   | Filing a submission after final rejection (37 CFR 1.129(a))                |
| 1810 | 770   | 2810 | 385   | For each additional invention to be examined (37 CFR 1.129(b))             |
| 1801 | 770   | 2801 | 385   | Request for Continued Examination (RCE)                                    |
| 1802 | 900   | 1802 | 900   | Request for expedited examination of a design application                  |

Other fee (specify)

**SUBTOTAL (3)** (\$)**.00**

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY

Name (Print/Type)

Albert C. Smith

Registration No.  
(Attorney/Agent)

20,355

Complete (if applicable)

Telephone (650) 335-7296

Signature

A-C. Smith

Date

12/8/03

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22220/01000/DOCS/1206123 1

FENWICK & WEST LLP  
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CHECK DATE: 12-08-2003

| INVOICE NO. | INVOICE DATE | DESCRIPTION | ACCOUNT NO.          | FILE NO. | AMOUNT   |
|-------------|--------------|-------------|----------------------|----------|----------|
| 6689        | 12-08-2003   | 22220.08641 | 01990023300000000000 |          | 7,294.00 |

TOTAL AMOUNT 7,294.00

THIS DOCUMENT HAS A COLORED BACKGROUND AND A SIMULATED WATERMARK ON THE BACK

**FENWICK & WEST LLP**  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel No: 650-988-1500  
Fax No: 650-938-2000

DATE: 12-08-2003  
CHECK NO: 3745110  
AMOUNT: 7,294.00

PAY TO THE ORDER OF: SEVENTHousand two hundred ninety four and 00/100 DOLLARS  
DIRECTOR OF U.S. PATENT AND TRADEMARK OFFICE

*[Signature]*